

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HEALTH MONITORING SERVICES OF)	
AMERICA, INC., MEDICAL MARKETING)	
CONSULTANTS, LLC, a Florida)	
limited liability company,)	
MARTIN PRAEGER, and)	
MARK SCHERMER,)	Civ. Action No. 06-0018
)	
)	Judge Donetta W. Ambrose
Plaintiffs,)	Magistrate Judge Caiazza
)	
v.)	
)	
)	
CARDIAC TELECOM CORPORATION,)	
a Pennsylvania Corporation,)	
and LEE EHRLICHMAN,)	
)	
)	
Defendants.)	

MEMORANDUM ORDER

On January 17, 2006, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.


On May 31, 2007 the magistrate judge issued a Report and Recommendation (Doc. 21) recommending that the District Court deny the Defendants' Motion to Dismiss Count IV of the Amended Complaint (Doc. 9).

Service of the Report and Recommendation was made on the parties. No Objections were filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 20th day of June 2007 IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss Count IV of the Amended Complaint (Doc. 9) is **DENIED**.

The Report and Recommendation of Magistrate Judge Caiazza dated May 31, 2007 (Doc. 21)is hereby adopted as the opinion of the court.


Donetta W. Ambrose
United States District Judge

cc:

Francis X. Caiazza

Counsel of Record
Via Electronic Mail